

Docket No.: CHRIST
Appl. No.: 10/540,351

**AMENDMENTS TO THE CLAIMS WITH MARKINGS TO SHOW CHANGES
MADE, AND LISTING OF ALL CLAIMS WITH PROPER IDENTIFIERS**

- 1.-15. (Canceled)
16. (New) A spray can, comprising a can body made of metal and having a lower can portion and an upper can portion, wherein the lower can portion has a bottom and a generally cylindrical configuration so as to have a substantially circular cross section, wherein the upper can portion is provided with a shoulder area and has a collared can opening for insertion of a spraying system, said upper can portion having a shaping area constructed to also extend across the shoulder area and defined by a non-circular cross section.
17. (New) The spray can of claim 16, wherein the can body has a substantially constant wall thickness about a circumference thereof and along a height thereof.
18. (New) The spray can of claim 16, wherein the circumference of the lower can portion is equal in size as a circumference of the shaping area.
19. (New) The spray can of claim 16, wherein the shaping area has a surface which is oval or ellipsoid.
20. (New) The spray can of claim 16, wherein the shaping area has a surface which resembles a triangle or rectangle.
21. (New) The spray can of claim 16, wherein the can opening of the can body is standardized for insertion of the spraying system of standard configuration.

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22. (New) The spray can of claim 16, wherein the can body with inserted spraying system is constructed for a filling pressure between 5 and 35 bar.
23. (New) The spray can of claim 22, wherein the filling pressure is between 10 and 20 bar.
24. (New) The spray can of claim 22, wherein the filling pressure is between 12 and 18 bar.
25. (New) The spray can of claim 16, wherein the metal of the can body is tinplate or aluminum.
26. (New) A device for manufacturing a spray can, comprising a die assembly having contours for producing from a substantially cylindrical hollow body with bottom an upper can portion having a shoulder area and a collared can opening, said die assembly having at least one die contoured for forming the upper can portion with a non-circular shaping area.
27. (New) The device of claim 26, wherein the die assembly has several dies for forming the shaping area of different cross sections, said dies being contoured to have circumferences of uniform length.

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28. (New) A method for manufacturing a spray can, comprising the steps of:
- a) producing a substantially cylindrical hollow body with bottom;
 - b) painting an inside of the hollow body;
 - c) printing or painting an outside of the hollow body;
 - d) cutting off an upper edge of the hollow body for formation of a collar for a can opening; and
 - e) producing an upper can portion with a shoulder area and the collared can opening, wherein the method step e) is executed with a device of claim 26 to thereby form a differently configured shaping area of the upper can portion.
29. (New) The method of claim 28, wherein the method step a) is carried out by a deep-drawing process.
30. (New) The method of claim 28, wherein the method step e) represents a final method step in the process for manufacturing an unfilled spray can.

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REMARKS

This Amendment is submitted preliminary to the issuance of an Office Action in the present application.

Applicant has canceled original claims 1-15 in favor of new claims 16-30 which are intended to present claims in proper form and language and to better encompass the full scope and breadth of the invention, notwithstanding applicant's belief that the claims would have been allowable as originally filed. Accordingly, applicant asserts that no claims have been narrowed to trigger prosecution history estoppel.

In addition, applicant has amended the specification to present it in proper form and with proper headings and to delete a reference to a particular claim number.

When the Examiner takes this application up for action, s/he is requested to take the foregoing into account.

Respectfully submitted,

By: 

Henry M. Feiereisen
Agent for Applicant
Reg. No. 31,084

Date: March 3, 2006
350 Fifth Avenue
Suite 4714
New York, N.Y. 10118
(212) 244-5500
HMF:af